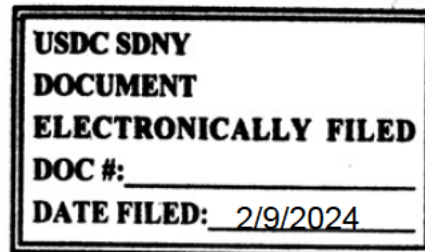


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Via ECF

The Honorable Robert W. Lehrburger
Daniel Patrick Moynihan United States Courthouse, Room 1960
500 Pearl Street
New York, New York 10007-1312

February 8, 2024

Re: *Nock v. Spring Energy RRH, LLC*, No. 1:23-cv-01042, pending in the United States District Court for the Southern District of New York

Your Honor,

This firm (together with Wilson Law) represents Plaintiff Robert Nock ("Plaintiff" or "Nock") in this case. Nock seeks entry of an order under Federal Rule of Evidence 502(d) to preserve his discovery objections in the circumstances described below. *Cf.* Fed. R. Civ. 502(d) ("Controlling Effect of a Court Order. A federal court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court — in which event the disclosure is also not a waiver in any other federal or state proceeding").

In November 2023, Defendants Spring Energy RRH, LLC, RRH Energy Services, LLC, and Richmond Road Holdings, LLC's (collectively "Defendants") served a set of requests for production ("RPDs") related to certain call records that Nock produced previously, including RPD 28 ("Documents sufficient to identify the source" of these call records). Nock served responses asserting various objections but then stated, in relevant part:

Plaintiff's counsel offer to create and produce documents sufficient to show how and where they obtained the Recordings, within ten days of an agreement between the parties that production of such document does not and will not waive any of the foregoing objections with respect to any other document.

Nock seeks an order from the Court that Nock's production under the agreement contemplated in Nock's response above does not and will not constitute a waiver of any objections in this case, or a waiver of any applicable privilege and work-product objections "in any other federal or state proceeding." Fed. R. Evid. 502(d).

Defendants have advised they take no position on the relief sought herein.

The request is granted. Pursuant to Fed. R. Civ. 502(d), Plaintiff's counsel offer (and fulfillment of that offer) to create and produce documents sufficient to show how and where they obtained the Recordings does not and will not waive any objections based on privilege or other protection with respect to any other document.

Sincerely,

s/Ethan Preston

Ethan Preston

SO ORDERED:

2/9/2024

A handwritten signature in black ink, appearing to be "R. Lehrburger".

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

cc: Counsel of record (via ECF).